

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JESSE LANGEL

Plaintiff,

v.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

Civil Action No.: 21-10234

**DEFENDANT’S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1332  
(DIVERSITY OF CITIZENSHIP)**

Defendant Chipotle Mexican Grill, Inc. (“Chipotle”), by and through its undersigned counsel, respectfully removes to this Court the state court action described below:

**PLEADINGS**

1. On October 24, 2021, Plaintiff Jesse Langel (“Plaintiff”) commenced an action by filing a Summons with Notice in the Supreme Court of the State of New York, County of New York, styled *Jesse Langel v. Chipotle Mexican Grill, Inc.*, Index No. 159656/2021 (the “State Court Action”). A true and correct copy of the Summons With Notice is attached hereto as Exhibit A.

2. Plaintiff effected service of the Summons with Notice on Chipotle (the sole defendant named in the Summons With Notice) through personal delivery on the New York Secretary of State on November 1, 2021. A true and correct copy of the Affidavit of Service of Summons filed in the State Court Action on November 8, 2021 is attached hereto as Exhibit B.

3. The only other documents filed in the State Court Action to date are Plaintiff's Statement of Authorization of Electronic Notice filed on November 8, 2021 (Ex. C) and Chipotle's Demand for Complaint, filed on December 1, 2021 (Ex. D.) To the best of Chipotle's knowledge, no other process, pleadings, or orders have been filed in the State Court Action, and no hearings or other proceedings have taken place.

4. Chipotle's Notice of Removal is timely under 28 U.S.C. § 1446(b)(1), as it is being filed within 30 days of service of the Summons with Notice.

### **JURISDICTION**

5. Per the Summons With Notice, Plaintiff asserts claims against Chipotle for: (1) false advertising in violation of NYGBL § 350; (2) deceptive business practices in violation of NYGBL § 349; and (3) negligence, and seeks compensatory damages for alleged economic and emotional injuries in the amount of \$100,000, plus injunctive relief. Ex. A at pp. 2, 7. While Chipotle denies any liability to Plaintiff whatsoever, there is no question that Plaintiff has placed more than \$75,000, exclusive of interests and costs, into controversy for purposes of 28 U.S.C. § 1332(a). *See* 28 U.S. Code § 1446(c)(2) ("If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy.").

6. There exists compete diversity of citizenship within the meaning of 28 U.S.C. § 1332 because:

- a. Chipotle is informed and believes that, at all times alleged in the Summons and Notice, Plaintiff was, and still is, a citizen of the State of New York. Ex. A at pp. 1-2.

b. At all times alleged in the Summons and Notice, Chipotle was, and still is, a corporation duly organized and existing under the laws of Delaware, with its principal place of business, or “nerve center,” in Newport Beach, California. Therefore, Chipotle is a citizen of California. 28 U.S.C. § 1332(c)

c. Pursuant to 28 U.S.C. § 1441(b), no named defendant is a citizen of the State of New York, in which the State Court Action is currently pending.

7. Because this is a civil action between citizens of different states, with complete diversity, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction, pursuant to 28 U.S.C. § 1332. Accordingly, the entire action may be removed to this Court pursuant to 28 U.S.C. § 1441.

#### **VENUE**

8. The United States District Court for the Southern District of New York embraces the county and court in which the State Court Action was filed. 28 U.S.C. § 84(c). Therefore, this action is properly removed to this Court pursuant to 28 U.S.C. § 1441(a).

#### **NOTICE TO STATE COURT AND ADVERSE PARTY**

9. Pursuant to 28 U.S.C. § 1446(d), Chipotle is filing written notice and a copy of this removal with the Clerk of the Supreme Court of New York, New York County, in which the State Court Action is currently pending, and serving Plaintiff with copies of both notices.

**WHEREFORE**, Chipotle hereby removes the State Court Action to this Court from the Supreme Court of New York, New York County. Chipotle prays for such other and further relief to which it may be entitled.

Dated: December 1, 2021

Respectfully submitted,

/s/ Garrett Kennedy

Garrett Kennedy

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*Attorneys for Defendant  
Chipotle Mexican Grill, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent by First Class Mail to the following counsel of record on this 1st day of December 2021:

Jesse Langel  
The Langel Firm  
30 Wall Street, 8th Floor  
New York, NY 10005

Dated: December 1, 2021

By: s/ Garrett D. Kennedy  
Garrett D. Kennedy

*Counsel for Defendant  
Chipotle Mexican Grill, Inc.*